



U.S. Department of Justice

United States Attorney
Southern District of New York

Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

May 13, 2024

BY ECF

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Hugo Armando Carvajal Barrios*, S1 11 Cr. 205 (AKH)

Dear Judge Hellerstein:

The Government respectfully writes to request a 30-day adjournment of the May 17, 2024 deadline for the filing of the Government's anticipated submission pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"). The Government continues to consult and coordinate with the relevant components of the U.S. Government, which have informed the Government that they will need until June 17, 2024 to complete their review processes for the materials at issue and to prepare and submit necessary declarations associated with the Section 4 motion. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (requiring that the "state secrets" privilege must be "lodged by the head of the department which has control over the matter, after actual personal consideration by that officer" (internal quotation marks omitted)).

No trial date has been set in this matter, and the Government respectfully submits that the requested adjournment will not interfere with the scheduling for this case. This Court has previously granted a 60-day adjournment of the CIPA Section 4 submission for co-defendant Cliver Alcala Cordones. (Dkt. 56). Courts in this District have similarly granted initial CIPA Section 4 adjournment requests in cases of similar scope and complexity. *See, e.g., United States v. Juan Orlando Hernandez*, S7 15 Cr. 379 (PKC), Dkt. 476 (S.D.N.Y. Sept. 19, 2022) (granting initial 79 day adjournment request); *United States v. Bradley*, 21 Cr. 277 (PAE), Dkt. 53 (S.D.N.Y. Mar. 23, 2022) (granting initial 30-day adjournment); *see also* Dkt. 168 (Hr'g Tr. at 28-29, Feb. 29, 2024) (The Court: "We have to go through a procedure to filter documents that are sufficiently sensitive so they're not able to be produced in the public trial but need to be dealt with in some alternative fashion. It's going to take time and can't be hurried."). Defense counsel opposes any extension.

In connection with this letter, the Government has provided a separate, classified, sealed, and *ex parte* submission to the Classified Information Security Officer for the Court's review.

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Respectfully submitted,

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